

**2003 DRAFTING REQUEST****Bill**Received: **02/20/2003**Received By: **btradewe**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**By/Representing: **Kimber**This file may be shown to any legislator: **NO**Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - animals**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Liability for damages caused by dogs

**Instructions:**

Like 2001 AB 462, as they would have amended it

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 02/21/2003	wjackson 02/24/2003					S&L
/1			rschluet 02/24/2003		sbasford 02/24/2003	amentkow 02/24/2003	S&L
/2	btradewe	wjackson	jfrantze		mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
05/13/2003	05/13/2003	05/13/2003	_____		05/13/2003	05/13/2003	

FE Sent For:

<END>

→ At  
Intro

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*Self*  
*5/13*  
*5/13*

*jacket requested*  
 Jacketed

02/24/2003 01:38:27 PM

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/1			rschluet 02/24/2003		sbasford 02/24/2003		

02/24/2003 11:17:56 AM

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1?	btradewe	1 Wlj 2/24					
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FE Sent For:

  
<END>

ASSEMBLY SUBSTITUTE AMENDMENT,  
2003  
TO 2001-ASSEMBLY BILL 402

ONote

LPS: Please  
proof amended  
stats. w/ stats.  
Thanks.

REGEN

1 AN ACT *to repeal* 174.02 (1) (title) and (b); *to renumber and amend* 174.02 (1)  
2 (a); and *to amend* 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.) of the statutes;  
3 **relating to:** liability for damages caused by dogs, court orders to kill a dog, and  
4 providing a penalty.

Analysis  
Insert → The people of the state of Wisconsin, represented in senate and assembly, do  
enact as follows:

5 SECTION 1. 174.02 (1) (b) of the statutes is amended to read:  
6 174.02 (1) (b) *After notice.* Subject to s. 895.045 and except as provided in s.  
7 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused  
8 by the dog ~~injuring or causing injury to~~ biting a person, domestic animal or property  
9 with sufficient force to break the skin and cause permanent physical scarring or  
10 disfigurement if the owner was notified or knew that the dog had previously injured  
11 ~~or caused injury to, without provocation, bitten~~ a person, domestic animal or



1 property with sufficient force to break the skin and cause permanent physical  
2 scarring or disfigurement.

3 **SECTION 2.** 174.02 (2) (a) ✓ and (b) ✓ of the statutes are amended to read:

4 174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50  
5 nor more than ~~\$500~~ \$5,000 if the dog injures or causes injury to a person, domestic  
6 animal, property, deer, game birds or the nests or eggs of game birds.

7 (b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more  
8 than ~~\$1,000~~ \$10,000 if the dog injures or causes injury to a person, domestic animal,  
9 property, deer, game birds or the nests or eggs of game birds, and if the owner was  
10 notified or knew that the dog previously injured or caused injury to a person,  
11 domestic animal, property, deer, game birds or the nests or eggs of game birds.

12 **SECTION 3.** 174.02 (3) (a) (intro.) ✓ of the statutes is amended to read:

13 174.02 (3) (a) (intro.) The state, or any municipality, or any other person may  
14 commence a civil action to obtain a judgment from a court ordering an officer to kill  
15 a dog. The court may grant the judgment if the court finds both of the following:

16 (END)

it  
 50 that applies only when a dog bites a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement, and the owner or keeper knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

## 2001 ASSEMBLY BILL 462

July 17, 2001 - Introduced by Representatives PETTIS, MONTGOMERY, OWENS, OPT, FREESE and VRAKAS. Referred to Committee on Judiciary.

- 1 AN ACT to repeal 174.02 (1) (title) and (b); to renumber and amend 174.02 (1)
- 2 (a); to amend 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.) and 1.; and to
- 3 create 174.02 (1g) of the statutes; relating to: liability for damages caused by
- 4 dogs, court orders to kill a dog, and providing a penalty.

### Analysis by the Legislative Reference Bureau

Under current law, a person who owns or keeps a dog is generally liable for the amount of damages caused by the dog injuring a person, a domestic animal, or property. Under current law, a person who owns or keeps a dog is generally liable for two times the amount of damages caused by the dog injuring a person, a domestic animal, or property if the owner or keeper knew that the dog previously injured a person, a domestic animal, or property.

~~Under this bill, a person who owns or keeps a dog is generally liable for the amount of damages caused by the dog injuring a person, a domestic animal, or property if there was no provocation.~~ The bill eliminates the current provision under which a dog owner or keeper may be liable for two times the amount of damages caused by the dog.

Under current law, a person who owns or keeps a dog is subject to a forfeiture (a civil monetary penalty) of \$50 to \$500 if the dog causes injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds. If the owner or keeper knew that the dog previously caused injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds, the forfeiture is \$200 to \$1,000. This bill increases the maximum forfeiture to \$10,000.

No 11

This bill increases the maximum forfeiture to \$5,000 Under current law, if

**ASSEMBLY BILL 462**

This bill changes the provisions that impose forfeitures because of injuries caused by dogs so that the provisions only apply if a dog causes injury by biting a person without provocation. Under this bill, a person who owns or keeps a dog is subject to a forfeiture of \$500 to \$5,000 if the dog causes injury by biting a person without provocation. If the owner or keeper knew that the dog previously caused injury by biting a person without provocation, the forfeiture is \$2,000 to \$10,000.

Under current law, this state or a municipality may ask a court to order that a dog be killed. The court may issue the order if the dog caused serious injury to a person or domestic animal on two separate occasions, off of the owner's or keeper's property, without reasonable cause, and the owner or keeper knew, before the second injury, that the dog caused the first injury.

Under this bill any person may ask a court to order that a dog be killed. The court may issue the order if the dog caused serious injury by biting a person on two separate occasions, off of the owner's or keeper's property, without provocation on either occasion, and the owner or keeper knew, before the second injury, that the dog caused the first injury.

FE-SL

end of analysis insert

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 174.02 (1) (title) and (b) of the statutes are repealed.

SECTION 2. 174.02 (1) (a) of the statutes is renumbered 174.02 (1m) and amended to read:

174.02 (1m) ~~WITHOUT NOTICE~~ LIABILITY FOR INJURY Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal, or property without provocation.

SECTION 3. 174.02 (1g) of the statutes is created to read:

174.02 (1g) DEFINITION. In this section, "provocation" means any act or circumstance that a reasonable person would believe to be sufficient to cause a dog to bite, attack, or otherwise act in a way that causes injury or damage.

SECTION 4. 174.02 (2) (a) and (b) of the statutes are amended to read:

INCLUDE  
ANALYSIS

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2099/1dn

RCT./....

WLy

Kimber Liedl:

This draft is based on 2001 LRBs0274/1, which was the second of two substitute amendments to 2001 Assembly Bill 462 that I drafted for Rep. Pettis last session.

Please let me know if you have any questions or would like any changes in the draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2099/1dn  
RCT:wlj:rs

February 24, 2003

Kimber Liedl:

This draft is based on 2001 LRBs0274/1, which was the second of two substitute amendments to 2001 Assembly Bill 462 that I drafted for Rep. Pettis last session.

Please let me know if you have any questions or would like any changes in the draft.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)

**Mentkowski, Annie**

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**From:** Pettis, Mark  
**Sent:** Monday, February 24, 2003 1:04 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2099/1 Topic: Liability for damages caused by dogs

It has been requested by <Pettis, Mark> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2099/1 Topic: Liability for damages caused by dogs

## Emery, Lynn

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**From:** Emery, Lynn  
**Sent:** Monday, April 07, 2003 2:48 PM  
**To:** Colvin, Alan  
**Subject:** LRB-2099/1 & 1dn (attached as requested)



03-2099/1



03-2099/1dn

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
[lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)

5/13/03 Per #1 from Rep. Peltis' office:

Make the max. forfeiture \$2,500 without notice and  
\$5,000 with notice.

RET





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2099<sup>2</sup>

RCT:wlj:ra/vm

soon (in 5/13)

2003 BILL

REGEN

- 1 AN ACT *to amend* 174.02 (1) (b), 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.)  
2 of the statutes; **relating to:** liability for damages caused by dogs, court orders  
3 to kill a dog, and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who owns or keeps a dog is generally liable for the amount of damages caused by the dog injuring a person, a domestic animal, or property. Under current law, a person who owns or keeps a dog is generally liable for two times the amount of damages caused by the dog injuring a person, a domestic animal, or property if the owner or keeper knew that the dog previously injured a person, a domestic animal, or property.

The bill changes the current provision under which a dog owner or keeper may be liable for two times the amount of damages caused by the dog so that it applies only when a dog bites a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement, and the owner or keeper knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

Under current law, a person who owns or keeps a dog is subject to a forfeiture (a civil monetary penalty) of \$50 to \$500 if the dog causes injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds. This bill increases the maximum forfeiture to ~~\$5,000~~. Under current law, if the owner or keeper knew that the dog had previously caused injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds, the forfeiture is \$200 to \$1,000. This bill increases the maximum forfeiture to ~~\$10,000~~ \$5,000

\* \$2,500

\*

**BILL**

Under current law, this state or a municipality may ask a court to order that a dog be killed. The court may issue the order if the dog caused serious injury to a person or domestic animal on two separate occasions, off of the owner's or keeper's property, without reasonable cause, and the owner or keeper knew, before the second injury, that the dog caused the first injury.

Under this bill any person may ask a court to order that a dog be killed.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 174.02 (1) (b) of the statutes is amended to read:

2           174.02 (1) (b) *After notice.* Subject to s. 895.045 and except as provided in s.  
3           895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused  
4           by the dog ~~injuring or causing injury to~~ biting a person, ~~domestic animal or property~~  
5           with sufficient force to break the skin and cause permanent physical scarring or  
6           disfigurement if the owner was notified or knew that the dog had previously injured  
7           ~~or caused injury to, without provocation, bitten~~ a person, ~~domestic animal or~~  
8           ~~property~~ with sufficient force to break the skin and cause permanent physical  
9           scarring or disfigurement.

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11          174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50  
12          nor more than \$500 <sup>\$2,500</sup> ~~\$2,000~~ if the dog injures or causes injury to a person, domestic  
13          animal, property, deer, game birds or the nests or eggs of game birds.

14          (b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more  
15          than \$1,000 <sup>\$5,000</sup> ~~\$10,000~~ if the dog injures or causes injury to a person, domestic animal,  
16          property, deer, game birds or the nests or eggs of game birds, and if the owner was  
17          notified or knew that the dog previously injured or caused injury to a person,  
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# BILL

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4       a dog. The court may grant the judgment if the court finds both of the following:

5 (END)